

REMARKS

The applicant appreciates the examiner's thorough examination of the subject application and requests reexamination and reconsideration of the subject application in view of the preceding amendments and the following remarks.

Concerning item 1 of the subject action, applicant confirms that the only correction was changing the "21" to --21'--.

Concerning item 2 of the subject action, applicant has amended the specification of the subject application to clearly delineate and respect the proprietary nature of the trademarks included in the applicant's specification.

Concerning items 3-4 of the subject action, the examiner rejects claims 1, 3-5, 7, 9-21, and 26-30 under 35 USC §102(e) based on the teachings of Stautner et al (U.S. Patent No.: 6,172,677).

Applicant claims (in amended claim 1):

a method of broadcasting data, comprising: (a) sending to a receiver scheduling information that includes a scheduled time and identifies an encoding format and one or more viewer applications capable of processing a broadcast of data in the encoding format at the scheduled time; and (b) broadcasting the data at the scheduled time. (*Emphasis Added*)

Stautner fails to disclose element (a) of applicant's amended claim 1 namely "sending to a receiver scheduling information that includes a scheduled time and identifies an encoding format and one or more viewer applications capable of processing a broadcast of data in the encoding format at the scheduled time". Specifically, Stautner fails to disclose a system that identifies "an encoding format" and broadcasts the data "in the encoding format". Of the claims rejected by the examiner, claims 1, 10, 14, 18, and 26 are independent claims, all of which identify "an encoding format". Accordingly applicant respectfully asserts that claims 1, 10, 14, 18, and 26 are patentable over Stautner. Further, applicant respectfully asserts that claims 3-5, 7,

9, 11-13, 15-17, 19-21, and 27-30 are patentable, as they depend (either directly or indirectly) upon an allowable base claim.

As is known in the art, data stream may be encoded into various formats, such as MPEG, WAV, AVI, and ASF, for example. In order to decode a data stream that is encoded into one of these format, the appropriate decoder must be incorporated into the application "playing" the data stream. The encoder / decoder algorithm is commonly referred to as a CODEC, which is an acronym that identifies the algorithm's CODing / DECoding capabilities. By identifying the specific encoding scheme or algorithm that was used to encode the data broadcast, the applicant's claimed invention ensures that the appropriate decoder will be used to decode the encoded broadcast, thus minimizing decoding errors. Stautner fails to disclose a system that identifies the appropriate encoding algorithm.

In support of his rejection of claims 1, 3-5, 7, 9-21, and 26-30, the examiner asserts that Stautner discloses a system in which:

audio/video data are transmitted to a receiver that audio/video data are transmitted to a receiver that can identify and execute an application capable of processing the data (Col 3, Lines 40-56 and Col 5, Lines 44-46). The viewer application, as stated by Stautner, may be a web page, chat session, or a game, for example. Figure 1 clearly demonstrates the scheduling of content at given times for specific durations, and the data is retrieved and stored or executed at the specified time (Col 4, Lines 9-28).

However, Stautner does not disclose a system that identifies viewer applications that are capable of processing an encoded broadcast of data at the scheduled time. Stautner et al is focused on supplying scheduling and descriptive information that matches broadcasted content. This is clearly seen by examining figure 3 of Stautner, in which a scheduling guide is shown that included multiple entries indicative of the multiple shows available for viewing. Several of these entries include various selectable indicia (e.g., triangles, circles, squares, etc.) that launch additional applications that enhance the user's experience. Examples of these applications are web browsers (Stautner, Column 5, line 30-32), poll-taking applications (Stautner, Column 5, line 37-42), play along applications (Stautner, Column 5, line 44-50), software purchasing

applications (Stautner, Column 5, line 51-54), pizza purchasing applications (Stautner, Column 6, line 49-59), etc.

Accordingly, the software applications that Stautner discloses (and the method of using these applications) is ancillary to and separate from the viewing of the broadcast shows. Therefore, Stautner fails to disclose a system that identifies the encoding format of the data being broadcast.

Accordingly, applicant respectfully asserts that Stautner is not a proper basis for a 35 USC §102(e) rejection, as it does not disclose each and every element of the applicant's claimed invention, namely element (a) of applicant's amended claim 1. Therefore, applicant respectfully asserts that claim 1, as amended, is patentable over Stautner. Further, as independent claims 10, 14, 18, and 26 also claim inventions that identify "an encoding format", applicant respectfully asserts that these claims are also patentable over Stautner. Additionally, applicant respectfully asserts that claims 3-5, 7, 9, 11-13, 15-17, 19-21, and 27-30 are also patentable, as they depend (either directly or indirectly) upon an allowable base claim.

Concerning item 5 of the subject action, the examiner rejects claims 22-25 under 35 USC §102(b) based on the teachings of Hendricks et al (U.S. Patent No.: 5,659,350).

Applicant claims (in amended claim 22):

a data storage device encoding computer executable instructions for a method of broadcasting data, the instructions to cause the computer to: (a) send information to a receiver about a scheduled time and encoding format for a broadcast of data, the encoding format being indicative of one or more viewer applications for processing the data; and (b) broadcast the data at the scheduled time.

Hendricks fails to disclose element (a) of applicant's amended claim 1, namely "send information to a receiver about a scheduled time and encoding format for a broadcast of data, the encoding format being indicative of one or more viewer applications for processing the data".

The examiner relies on figure 18 of Hendricks to disclose sending information to a receiver that includes content format. However, applicant respectfully asserts that Hendricks does not disclose a system that specifies an "encoding format" and therefore is not a proper basis for a 35 USC §102(b) rejection.

Specifically, Hendricks discloses that "FIG. 18 depicts this dynamic change in bandwidth allocation from a typical week day prime time signal 250 to a Saturday afternoon in October signal 252 (during the college football season)." *See Hendricks, column 5, lines 41-44.* The bandwidth of Hendricks concerns the timeslots available for specific content-based program categories at various programming times. *See Hendricks, column 5, lines 44-51.* Therefore, the bandwidth referenced in Hendricks does not concern encoding format.

Further, Hendricks discloses that the data compression ratio for the signal being transmitted to a satellite will vary depending on the number of transponders used and the satellite system itself. *See Hendricks, column 36, lines 45-58.* Again, this passage does not concern encoding formats for various broadcasts.

Accordingly, Hendricks is not a proper basis for a 35 USC §102(b) rejection, as it does not disclose each and every element of the applicant's claimed invention. Therefore, applicant respectfully asserts that claim 22 is patentable over Hendricks. Further, as claims 23-25 depend, either directly or indirectly, upon an allowable bases claim, applicant respectfully asserts that these claims are also allowable.

Concerning items 6-8 of the subject action, the examiner rejects claims 2, 6, and 8 under 35 USC §103 based on the combination of the teachings of Stautner in view of the teachings of Datari (U.S. Patent No. 6,418,169) and the ATVEF specification.

As stated above, Stautner fails to disclose element (a) of applicant's amended claim 1, namely "sending to a receiver scheduling information that includes a scheduled time and identifies an encoding format and one or more viewer applications capable of processing a broadcast of data in the encoding format at the scheduled time". Specifically, Stautner fails to disclose a system that identifies "an encoding format" and broadcasts the data "in the encoding format". As claims 2, 6, and 8 depend, either directly or indirectly, on patentable claim 1, applicant respectfully asserts that claims 2, 6, and 8 are patentable over the combinations of the teachings of Stautner, Datari, and the ATVEF specification.

Attached is a marked-up version of the changes being made by the current amendment.

Applicant : Jay H. Connelly
Serial No. : 09/412,792
Filed : October 05, 1999
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Attorney's Docket No.: 10559-055001 / P7404

Applicant asks that all claims be allowed. Enclosed is a \$110 check for the Petition for Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

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Version with markings to show changes made

In the specification:

Please replace the sentence beginning at page 5, line 2 with the following rewritten sentence:

--The features specific to particular providers are enhancements to standard formats, e.g., Disney[™] ATVEF format.--

Please replace the sentence beginning at page 9, line 2 with the following rewritten sentence:

-- Content providers include organizations, such as ABC[™], NBC[™], CBS[™], and Disney[™] that produce products for broadcast by different transmitters. --

Please replace the sentence beginning at page 9, line 19 with the following rewritten sentence:

-- For example, the entry 33 of the scheduling table 31 has broadcast channel 2, provider ABC[™], and format ATVEF--

Please replace the sentences beginning at page 10, line 17 with the following rewritten sentences:

Then, an NBC[™] broadcast of ATVEF data on channel 8 matches both entries 52 and 55 in the viewer application selection table 32 shown in FIG. 5. But, the receiver selects the Intel[™] ATVEF viewer application, because the weight of the column G is higher than that of column E, i.e., the entry 52 is the best match.

Please replace the sentences beginning at page 11, line 4 with the following rewritten sentences:

--For example, content provider ABC[™] may incorporate special interactive features into its ATVEF content. Those features are presented to viewer if the receiver 15' processes the ABC

tm broadcast data with a Disney tm General Viewer of entry 54, i.e., a specific match. If the receiver 15' does not have the Disney tm general viewer, the receiver 15' processes ABC tm ATVEF broadcasts with the default Intel tm ATVEF viewer, i.e., associated with entry 52. The default viewer may not support the special interactive features incorporated by ABC tm.--

In the claims:

Claim 1, 10, 14, 18, 22, and 26 have been amended as follows:

1. A method of broadcasting data, comprising:
 - sending to a receiver scheduling information that includes a scheduled time and identifies an encoding format and one or more viewer applications capable of processing a broadcast of data in the encoding format at the scheduled time; and
 - broadcasting the data at the scheduled time.
10. A method of processing data, comprising:
 - receiving scheduling information providing broadcast times for data broadcasts and information to identify an encoding format and one or more viewer applications to process the data broadcasts;
 - receiving data from one of the broadcasts at the scheduled broadcast time; and
 - processing the received data with a viewer application responsive to the scheduling information.
14. A method of processing data, comprising:
 - receiving scheduling information that provides broadcast times for data broadcasts and information for identifying an encoding format and viewer applications for processing the broadcasts; and

writing the scheduling information to a scheduling table having entries indexed by scheduled broadcast times and channels.

18. A system for receiving data broadcasts, comprising:
 - an interface to receive broadcasts of data in an encoding format;
 - a data storage device storing viewer applications to decode the received data; and
 - a processor coupled to the data storage device, the processor to select and execute ones of the viewer applications based on scheduling information and the encoding format for the broadcasts.

22. A data storage device encoding computer executable instructions for a method of broadcasting data, the instructions to cause a system to:
 - send information to a receiver about a scheduled time and [content] encoding format for a broadcast of data, the [content] encoding format being indicative of one or more viewer applications for processing the data; and
 - broadcast the data at the scheduled time.

26. A data storage device storing executable instructions, the instructions to cause a computer to:
 - receive scheduling information for [content] encoding formats and broadcast times of broadcasts of data;
 - receive data from one of the broadcasts at the scheduled broadcast time; and
 - process the received data with a viewer application for processing [a data] encoding format, the viewer application being responsive to the scheduling information for the one of the broadcasts.

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In the abstract:

A method broadcasts data. The method includes sending to a receiver scheduling information that includes a scheduled time and broadcasting data at the scheduled time. The scheduling information identifies an encoding format and one or more viewer applications capable of processing the data broadcast.